

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROBERTO ALMODOVAR, JR.

Plaintiff,

v.

REYNALDO GUEVARA, ET. AL.

Defendants.

Case No. 18-CV-2341

Honorable Joan B. Gottschall
Honorable M. David Weisman

WILLIAM NEGRON

Plaintiff,

v.

REYNALDO GUEVARA, ET. AL.

Defendants.

Case No. 18-CV-2701

Honorable Joan B. Gottschall
Honorable M. David Weisman

**DEFENDANTS' MOTION FOR AN EXTENSION OF TIME
TO COMPLETE FACT DISCOVERY**

Defendants Edward Mingey, Mark Olszewski, JoAnn Halvorsen as Special Representative for Ernest Halvorsen, deceased, Reynaldo Guevara, and the City of Chicago (collectively “Defendants”), by their undersigned attorneys, move this Honorable Court to extend fact discovery by 60 days, from October 7, 2021, up to and including December 6, 2021. In support of this motion, Defendants state as follows:

INTRODUCTION

1. Plaintiffs filed their lawsuits on April 1 and 13, 2018, respectively. *See* Almodovar, Dkt. 1; Negron, Dkt. 1.¹

2. The parties have diligently worked to comply with the deadline for the close of fact discovery and have largely been able to accomplish the necessary discovery.

3. On July 13, 2021, this Honorable Court granted Defendants' Motion for an Extension of Time to Complete Fact Discovery, up to and including October 7, 2021. Dkt. 148.

4. Since that time, the Parties have completed the depositions of

- William Negron
- Clarence Burch
- John Callahan
- Leandro Marin
- Kennelly Saez
- Sara Ortiz

5. In addition, several depositions that have had to be rescheduled for various reasons—Azelia Carillo², Michelle Pitman³, Jackie Grande⁴—still need to take place. The parties have been actively working to reschedule each of these depositions and to accommodate the

¹ Unless otherwise noted, all docket references herein will be to the docket of Almodovar, No. 18 CV 2341.

² The deposition of Ms. Carillo was commenced in 2020 but had to be suspended due to technical issues the witness was experiencing. Ms. Carillo is the mother of Plaintiff Almodovar's child and was his girlfriend at the time of the events that underlie this lawsuit. As such, Plaintiff Almodovar's counsel had been facilitating the scheduling of Ms. Carillo's deposition. On May 28, 2021, Plaintiff Almodovar's counsel informed Defendants that she could no longer facilitate Ms. Ortiz's deposition because Ms. Ortiz would not provide alternative dates for her deposition and "isn't really communicating me." *See* May 28, 2021, email attached hereto as Ex. A. Accordingly, Defendants had to locate and serve Ms. Ortiz.

³ The deposition of Ms. Pitman had previously been delayed due to the parties awaiting the Court's ruling on the death penalty motion. *See* Dkt. No. 133. Due to Ms. Pitman's schedule, and pursuant to an agreement between the Parties, this deposition is currently scheduled for October 22, 2021.

⁴ The deposition of Jackie Grande was previously scheduled for September 15, 2021 but had to be cancelled in light of the briefing schedule on Defendants' Motion for a Protective Order pertaining to her deposition. That motion has since been renewed and is pending.

technology, representation, and personal needs of each individual. These individuals are important because of their familial relationships to the parties, their defense and/or prosecution of Plaintiffs' underlying criminal proceedings, and their accounts of facts relevant to Plaintiffs' theories of the cases.

6. The parties also have yet to depose former First Assistant State's Attorney Eric Sussman, who was involved in the agreement between Plaintiffs and the CCSAO to drop all charges against Plaintiffs during their post-conviction proceedings in 2017. His deposition—which was scheduled for May - was the subject of pending motion practice before this Court, which was resolved in August 2021. *See* Dkts. 138, 143. The Defendants are currently working with Mr. Sussman's counsel to find an agreeable date.

7. Additionally, there are a few other witnesses, i.e., medical providers, damages witnesses, that Defendants need to explore as a result of Plaintiff Negron's recent deposition testimony.

8. Accordingly, for the above-mentioned reasons, as well as the fact that Ms. Grande's deposition will require travel, the upcoming holidays and Defense counsel's other professional commitments, Defendants seek a 60-day extension of time to complete fact discovery, up to and including December 6, 2021.

9. This motion is not being made for the purpose of causing undue delay and will not result in prejudice to any party. Defendants believe the remaining depositions can be completed within the requested time period.

18. Defendants conferred with Plaintiff prior to filing this motion, and Plaintiff Almodovar objects to this request. *See*, Counsel for Plaintiff's Almodovar's email attached as

Exhibit B. As of the time of this filing, Plaintiff Negron has not articulated any position on the motion.

CONCLUSION

WHEREFORE, for the above-stated reasons, Defendants respectfully request this Honorable Court grant an extension of time to and including December 6, 2021, for the close of fact discovery.

Date: October 7, 2021

Respectfully submitted,

s/ Josh Engquist
Attorney for Defendants Olszewski,
Halvorsen and Mingey
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